(3) 1004

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO. 5020 OF 2000

PETITIONER : CHINTAMANI MISHRA
S/O LATE SHRI SURYLAL MISHRA
R/O - C/30, SHANKAR NAGAR
COLONY, RAIPUR (M.P.)

VERSUS

RESPONDENTS : (1) M.P. STATE ROAD TRANSPORT CORPORATION, THROUGH ITS MANAGING DIRECTOR, HABIBGANJ, BHOPAL (M.P.)

(2) DIVISIONAL MANAGER, M.P.STATE ROAD TRANSPORT CORPORATION, RAIPUR (M.P.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P. 502/2000 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15-1-2002:-

Petitioner by Miss Sharmila Singhai, Adv..

Respondent by Shri Dhirendra Mishra, Advocate.

Counsel for the petitioner prays and states that the case is identical with Writ Petition No.375 of 2001.

Heard.

The petitioner in this petition has retired from service. He is yet to receive his retiral benefits. Due to non-receipt of retiral benefits the petitioner and his dependants are facing great financial hardship. A prayer has been made that payment of retiral benefits cannot be delayed inasmuch as it is the right of the petitioner to receive such benefits. It has been stated at the Bar time and again that it is no bounty and it is the duty of the competent authority to pay retiral benefits. One and the only reason every time that is placed before this Court is that the department is facing financial crunch.

It has been contended by the counsel representing the petitioner that the petitioner should be paid at least to begin with a reasonable lump sum.

After giving my anxious consideration to the various submissions made on behalf of the parties, I am of the opinion that since sooner or later the respondent must pay whatever is due to the retired employee and also taking into consideration the hardship caused to the employee in the absence of payment of any retiral

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

benefits to him after he has retired from service, it will be just, fair and reasonable to direct the respondent to pay the petitioner a sum of Rs.25,000/- within two months from date of receipt of this order. Thereafter, I direct that the respondent shall make payment strictly in accordance with the scheme that has been placed before this Court in the case bearing Writ Petition No.375 of 2001 until the last paisa is paid. Whatever amount has been paid earlier shall be adjusted.

With the above directions and observations, this petition is disposed of. On failure to pay the money as directed above within the stipulated time, the petitioner shall stand entitled to the payment of interest stipulated in Writ Petition No.375 of 2001.

Certified copy of this order be supplied as per rules.

Sd/-
Fakhruddin
Judge

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